

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

KIMBERLY KJESSLER, KLAIRE
RUECKERT, LAURA BRALEY, TIMOTHY
HAYDEN and SUMMER LANG, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

ZAAPPAAZ, INC., AZIM MAKANOJIYA,
NETBRANDS MEDIA CORP.,
MASHNOON AHMED, GENNEX MEDIA,
LLC, BRANDECO, L.L.C., AKIL KURJI,
CUSTOM WRISTBANDS INC., and
CHRISTOPHER ANGELES,

Defendants.

Civil Action No. 4:18-cv-0430
(Consolidated)

**DECLARATION OF WARREN T. BURNS IN SUPPORT OF
MOTION FOR AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Warren T. Burns, declare as follows:


1. I am a partner at Burns Charest LLP. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in the above-captioned action (the "Action").
2. My firm served as Plaintiffs' Lead Counsel in the Action.
3. The schedule attached as Exhibit 1 sets forth my firm's total hours and lodestar, computed at historical rates, for the period of inception of the case through and including today's date. The total number of hours spent by my firm during this period was 883.70, with a corresponding total lodestar (at historical rates) of \$460,425.00. This schedule was prepared from contemporaneous daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs

in the Action, my firm did the following: investigating the underlying factual record and developing the legal theories of the case; drafting the initial complaints and the subsequent consolidated amended class action complaint; drafting the opposition to Defendants' motions to dismiss; drafting and serving discovery on Defendants; responding to discovery served by Defendants; reviewing, analyzing, summarizing, and organizing documents produced by Defendants; analyzing Defendants' transactional data; retaining and working with economists to prepare preliminary damages models for and assess the financial condition of each Defendant; coordinating case strategy and discovery with Plaintiffs' co-counsel; participating in numerous arms-length settlement negotiations with each Defendant; attending multiple mediation sessions before the Honorable Susan Soussan in connection with settlement discussions involving certain Defendants; negotiating and drafting settlement agreements for each Defendant group; drafting the preliminary and final settlement approval motions; and developing the notice plan and coordinating claims administration with the claims administrator. The lodestar amount reflected in Exhibit 1 is for work performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit 1 are the usual and customary hourly rates historically charged by my firm in similar complex litigation matters.

4. My firm has expended a total of \$42,679.75 in unreimbursed costs and expenses in connection with the prosecution of the Action from inception of the case through and including today's date. These costs are set forth in the Schedule attached as Exhibit 2 and are reflected in the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed: September 8, 2020



Warren T. Burns

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**EXHIBIT 1 TO THE DECLARATION OF WARREN T. BURNS IN SUPPORT OF
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Reported Hours and Historical Lodestar
Inception Through Today's Date

Name	Position	Hours	Historical Rate	Lodestar
Warren Burns	Partner	55.50	\$950	\$52,725.00
Daniel Charest	Partner	2.40	\$950	\$2,280.00
Korey Nelson	Partner	14.60	\$900	\$13,140.00
Christopher Cormier	Partner	233.40	\$900	\$210,060.00
Lydia Wright	Associate	118.70	\$700	\$83,090.00
Megan Altobelli	Staff Attorney	107.00	\$500	\$53,500.00
Mark Anderson	Paralegal	83.50	\$300	\$25,050.00
Vicki Thibodeaux	Paralegal	1.50	\$300	\$450.00
Maggie Kweik	Paralegal	56.90	\$300	\$17,070.00
Hannah Lopez	Paralegal	5.80	\$300	\$1,740.00
Julianna Gravois	Paralegal	4.40	\$300	\$1,320.00

Role Legend

P Partner
S Shareholder

SC	Senior Counsel
OF	Of Counsel
A	Associate
LC	Law Clerk
PL	Paralegal
I	Investigator
SA	Staff Attorney
CA	Contract Attorney

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**EXHIBIT 2 TO THE DECLARATION OF WARREN T. BURNS IN SUPPORT OF
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Summary Expense Report
Inception Through Today's Date

Expense	Total Amount
Electronic Research (Lexis/Westlaw/PACER)	
Court Costs – Filing Fees	
Litigation Fund Contribution	
Federal Express/Overnight Delivery/Messengers	\$1,499.08
Photocopies – In House	
Photocopies – Outside	
Postage	
Service of Process Fees	\$1,076.45
Telephone/Fax	
Transportation/Meals/Lodging	\$491.22
Co-Counsel Fees	
Experts/Consultant Fees	\$35,205.00
Court Reporter Service/Hearing Transcript Fees	
Mediation Fees	\$4,408.00
TOTAL EXPENSES	\$42,679.75